

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XCOAL ENERGY & RESOURCES,

Plaintiff / Counterclaim Defendant,

v.

BLUESTONE ENERGY SALES CORP.,
SOUTHERN COAL CORP., and
JAMES C. JUSTICE II,

Defendants / Counterclaim Plaintiffs.

C.A. No. 18-819-LPS


ORDER

At Wilmington this **29th** day of **March 2021**:

For the reasons set forth in the Opinion issued this same date, **IT IS HEREBY**

ORDERED that:

1. Defendants' Motion to Dismiss (D.I. 139) is **DENIED**.
2. The Court finds in **FAVOR** of Plaintiff and **AGAINST** Defendants on **COUNTS I, II, and III** and on **COUNTERCLAIMS I, II, and III**.
3. Defendants are liable to Plaintiff for **\$6,814,105.30** in damages for breach of contract.
4. The parties shall meet and confer and, no later than **April 5, 2021**, submit a joint status report, advising the Court what, if anything, remains to be determined in this action, as well as their proposal(s) for how the Court should resolve any such issues.


UNITED STATES DISTRICT JUDGE